

3.0 DEFINITIONS

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular number shall include the plural and words in the plural shall include the singular. The masculine gender includes the feminine and neuter genders.

Accessory Building: a subordinate building or portion of the principal building, the use of which is incidental to that of the dominant use of the principal building or land.

Accessory Building, Residential: a subordinate building on a Residential lot of which is incidental to that of the dominant use of the principal building or land.
(Ord. #251 adopted 5/16/95) (Ord.#373, adopted 2/17/04) (Ord.#398, adopted 5/8/06)

Accessory Use: a use which is incidental to, and customarily incident to the principal use.

Administrative Land Splits: Approval of a subdivision or change in property description of land that is approved by the Director of Development and not subject to public hearings. (Ord#398, adopted 5/8/06)

Agriculture: The production, storage, keeping, harvesting, grading, packaging, processing, boarding, or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, including but not limited to forages and sod crop; grains and seed crop; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of these animals; bees; fur animals; trees and forest products with the exception of sawmills; fruits and vegetables of all kinds; or land devoted to a soil conservation or forestry management program. (Ord#398, adopted 5/8/06) (Ord#431, adopted 10/7/08)

Agricultural Building: A building used solely for agricultural uses or storage of agricultural products or machinery and on a parcel 10 acres or larger. (Ord. #427, adopted 5/6/08)

Agricultural Land Use: The use of land for the growing and/or production of field crops, livestock, livestock products, trees and forest products for the production of income including but not limited to the following:

- (a) field crops, including but not limited to: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
- (b) livestock, including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including ponies, deer, rabbits.
- (c) livestock products, including but not limited to: milk, butter, cheese, eggs, meat, and honey.
(Ord#398, adopted 5/8/06)

Airport or Heliport: Any land or structure which is used or intended for use for the landing and take-off of aircraft, and for appurtenant land or structure used or intended for use for port buildings or other port structures of rights-of-way. (Ord#398, adopted 5/8/06)

Alcohol Fuel Plant: A facility where alcohol fuel is stored, processed or distributed. (Ord#398, adopted 5/8/06)

Animal, Domestic: dogs, cats, birds, and any member of the animal kingdom housed principally in a case, aquarium, or other confined area with the homestead and kept principally for non-commercial and non-scientific purposes. (Ord#431, adopted 10/7/08)

Animals, Food: fish, fowl, cattle, swine, sheep and other members of the animal kingdom raised for purposes of food consumption.

Animals, Fur: mammals which are raised for their pelts.

Animal Hospitals: A facility rendering surgical and/or medical treatment to animals.

Animals, Miscellaneous: members of the animal kingdom which do not come within the definition of animals, food; animals, fur; or animals, pleasure.

Animal Unit: a unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type in items A to I by the respective multiplication factor and summing the resulting values for the total number of animal units. For purposes of this chapter, the following multiplication factors shall apply:

A. dairy cattle:

- (1) one mature cow (whether mixed or dry);
 - (a) over 1,000 pounds, 1.4 animal unit; or
 - (b) under 1,000 pounds, 1.0 animal unit;
- (2) one heifer, 0.7 animal unit; and
- (3) one calf, 0.2 animal unit;

B. beef cattle:

- (1) one slaughter steer or stock cow, 1.0 animal unit;
- (2) one feeder cattle (stocker or backgrounding) or heifer, 0.7 animal unit;
- (3) one cow and calf pair, 1.2 animal units; and
- (4) one calf, 0.2 animal unit;

C. one head of swine:

- (1) over 300 pounds, 0.4 animal unit;
- (2) between 55 pounds and 300 pounds, 0.3 animal units; and
- (3) under 55 pounds, 0.05 animal unit;

- D. one horse, 1.0 animal unit;
- E. one sheep or lamb, 0.1 animal unit;
- F. chickens:
 - (1) one laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit; or
 - (2) one chicken if the facility has a dry manure system:
 - (a) over five pounds, 0.005 animal unit; or
 - (b) under five pounds, 0.003 animal unit;
- G. one turkey:
 - (1) over five pounds, 0.018 animal unit; or
 - (2) under five pounds, 0.005 animal unit;
- H. one duck, 0.01 animal unit; and
- I. for animals not listed in items A to H, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.
(Ord. #329, adopted 3/20/01)

Antennas: Residential radio and television reception antennas and amateur radio station antennas for non-commercial uses and less than 50 feet in height (Ord.#410, adopted 4/17/07)

Apartment: a part of the building consisting of a room or suite of rooms intended, designed or used as a residence by an individual or a single family.

Applicant: Means any person or business entity applying to subdivide land pursuant to this section. (Ord#398, adopted 5/8/06)

Auto Salvage: Includes the business of buying of second hand motor vehicles, parts and accessories for the remodeling, taking apart or rebuilding of the same, or the buying, storage or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicles. (Ord#410, adopted 4/17/07)

Bank: Any establishment wherein the primary occupation is concerned with businesses as banking, savings and loans, loan companies and investment companies. (Ord#398, adopted 5/8/06)

Basement: a portion of a building located partly underground. A basement shall be counted as a story if it has 1/2 or more of its height above the highest level to the adjoining ground and/or if it is intended to be used for dwelling or business purposes.

Bed and Breakfast: Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation. (Ord. #407 adopted 11/14/06)

Best Management Practices or “BMPs” : Practices to prevent or reduce the pollution of the waters of the State, including schedules of activities, prohibitions of practices, and other management practices, and also treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from material storage. (Ord. #438, adopted 06/16/09)

Block: an area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

Bluff: a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

- (1) Part or all of the feature is located in a shoreland area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- (4) The slope must drain toward the waterbody.

Bluff Impact Zone: a bluff and land located within 20 feet from the top of a bluff.

Board of Adjustment: shall be that Board as established under Section 11.4 of this ordinance.

Boathouse: a structure designed and used solely for the storage of boats or boating equipment.

Boulevard: that portion of a street right-of-way between the curb or curb line and the property line.

Boundary Line Adjustment: A process for modifying property lines between two or more properties by either adding or subtracting land. (Ord#398, adopted 5/8/06)

Building: any structure having a roof which may provide shelter or enclosure of persons, animals or chattel.

Building Height: the vertical distance from the average elevation of the natural ground at the building or ten feet above the lowest ground level, whichever is lower to the top of the highest point of the structure. (Ord. #388, adopted 7/5/05)

Building Line: that line measured across the width of the lot of the point where the main structure is placed in accordance with setback provisions.

Building Site: A dry buildable lot, tract or parcel that is capable of supporting a structure. (Ord#398, adopted 5/8/06)

Bulk Liquid Storage. A structure used for the storage of liquids in bulk. (Ord#398, adopted 5/8/06)

Business: any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

Cabinet Shops: The building where the manufacturing of cabinets or countertops is conducted. (Ord#398, adopted 5/8/06)

Car Wash: A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device. (Ord#398, adopted 5/8/06)

Caretakers Residence: A dwelling unit for a caretaker, owner or employee of an on-site business. (Ord#398, adopted 5/8/06)

Carport: A roofed structure providing space for the parking of motor vehicle and enclosed on not more than three sides. (Ord#398, adopted 5/8/06)

Cemetery: Property used for the internment of the dead. (Ord#398, adopted 5/8/06)

Church: a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Club or Lodge: a club or lodge is a non-profit association of persons who are bonafide members paying annual dues, use of premises being restricted to members and their guests.

Cluster Development: See Subdivision, Cluster. (Ord. #398, adopted 5/8/06)

Commercial Multiple Unit Developments: are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial multiple unit developments.

Commercial Recreation: bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, tavern, theater, firearms range, and similar uses.

Commercial Use: the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commissioner: the commissioner of the Department of Natural Resources.

Communication Towers: radio and television broadcasting, transmission and/or receiving towers and antennas which are subject to licensing requirements of the Federal Communications Commission. This does not include residential radio and television reception antennas and amateur radio station antennas, all of which are deemed to be incidental to residential use.

Comprehensive Plan: the general plan for land use, transportation, and community facilities prepared and maintained by the Planning Commission.

Concept Plan: A plan indicating the present usage, plus the proposed plan for future development of the remainder of the property whenever the proposed plan does not incorporate all the lands owned by the applicant, and said remainder lands may be developed by the applicant or owner within five years from the date of the application. (Ord. #398, adopted 5/8/06)

Conditional Use Permit: a permit specially and individually granted for a conditional use permitted in any use district.

Construction Activity: Clearing, grading and excavating that result in land disturbance of equal to or greater than one acre of total land area. Construction activity also includes the disturbance of less than one acre of total land that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. (Ord. #438, adopted 06/16/09)

Contiguous: Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. (Ord. #398, adopted 5/8/06)

Contour Map: a map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Contractor Shops: A building or buildings used as an office, or for storage of materials and equipment, for an individual or business entity engaged in the construction or repair of homes or structures, in whole or in part. Contractor shops shall be limited to 6 on-site employees. (Ord. #346, adopted 6/16/02)

Convenience Grocery Stores: any retail store whose principal business is selling convenience grocery items, health and beauty items, and other items intended for routine use and consumption by the consumer. These stores shall be no more than 4,800 square feet.

Copy: a print or reproduction made from a tracing.

Daycare Facility, Licensed Group Family: a residence providing care for no more than fourteen (14) children outside of the children's' own homes on a regular basis, as defined in Minnesota Rules, Part 9502.0315 and which is licensed by the Commissioner of Human Services pursuant to Chapter 245A of the Minnesota Statutes and Chapter 9502 of the Minnesota Rules. (Ord. #265 adopted 07/16/96) (Ord. #398, adopted 5/8/06)

Deck: a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

Department: The Benton County Department of Development, or other designated agent who is a qualified employee or licensee. (Ord. #329, adopted 4/3/01)

Detention Pond: Impoundments that have a permanent pool of water and have the capacity to temporarily store storm water until it is released from the structure. (Ord. #398, adopted 5/8/06)

Development: the act of building structures and installing site improvements.

Director: the Director of the Department of Development also known as the Planning and Zoning Administrator. (Ord. #398, adopted 5/8/06)

Double Frontage Lots: lots which have a front line abutting on one street and a back or rear line abutting on another street.

Drainage Course: a water course or indenture for the drainage of surface water.

Drainage Plan: An indication of surface water flow and water control systems, including the capacity of said systems. (Ord. #398, adopted 5/8/06)

Drive-In Business: A facility selling, serving, or offering goods directly to customers waiting in a motor vehicle who consume or use the goods on or off premise of the principal use. (Ord. #398, adopted 5/8/06)

Dry Buildable: Contiguous acreage containing non-hydric soils and void of wetlands, hydric vegetation, floodways, bluffs, right-of-way and restrictive easements. The site shall be capable supporting two standard individual septic systems. (Ord. #398, adopted 5/8/06)

Duplex, triplex, and quad: a dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling: a room or group of rooms providing complete living facilities for one household.

Dwelling-Attached: a structure having dwelling units joined by one or more party walls.

Dwelling-Energy Efficient Below Ground: a structure meeting the specifications of the Minnesota Energy Code.

Dwelling-Multiple: a dwelling designed exclusively for occupancy by two or more families living independently of each other; the term includes double bungalows and duplexes, but not hotels, motels, lodging houses, boarding houses or tourist homes.

Dwelling-Single Family: a detached dwelling designed exclusively for occupancy by one family and containing not more than one dwelling unit.

Dwelling Site: a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling Unit: consists of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one family or household.

Easement: authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer: a professional engineer engaged by the County Board.

Essential Services: public roads, underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

Excavation: The digging, removal, filling with, or storage of any naturally occurring dirt, rock, sand, gravel, clay, silt, soil, or other like mineral(s). (Ord. #398, adopted 5/8/06)

Excavation Contractors: Contractor whose principal business is the digging, removal, filling with, or storage of dirt and/or rock. The contractor's shop shall be limited to 6 on-site employees. (Ord. #398, adopted 5/8/06)

Extractive Use: the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

Family: an individual, or two or more persons each related by blood, marriage, or adoption living together as a single housekeeping unit, or a group of not more than 4 persons not so related, maintaining a common household.

Farm: An agriculturally zoned area used for: (1) growing products such as, but not limited to, grains, forages, vegetables, nuts, trees, sod or specialty horticultural crops. (2) raising animals or fowl such as, but not limited to, cattle, swine, chickens, turkeys, horses, sheep or exotic species. (3) land enrolled in limited term contractual programs through which payments are made to the farmer (e.g. CRP). For the purpose of this ordinance, abutting parcels in common ownership (which meet the above definition of a farm) shall be considered to be only one farm and shall qualify for only one farmstead residence (except as hereinafter provided). (Ord. #329, adopted 3/20/01) (Ord. #398, adopted 5/8/06)

Farming, General: the growing of products such as, but not limited to, grains, forages, vegetables, nuts, trees, sod or specialty horticultural crops; the raising of animals; and land enrolled in limited term contractual programs through which payments are made to the farmer. Animal density greater than three animal units per acre owned or leased shall be considered intensive livestock farming. (Ord. #431, adopted 10/7/08)

Farm Implement Sales: An area that may or may not be located within a structure where farming equipment is available for sale. (Ord. #398, adopted 5/8/06)

Farmstead: the buildings and adjacent service areas of a farm, including lawns, windbreak and feedlot area.

Farmstead Residence: A single family dwelling associated with the farmstead. (Ord. #398, adopted 5/8/06)

Feedlot: a fenced land area or building or combination of fenced land areas and buildings intended for the confined feeding, breeding, raising or holding of at least fifty animal units or ten animal units if in a shoreland area and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these rules, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be feedlots.

A feedlot does not cease to be a feedlot merely because confined feeding, breeding, raising or holding of animals is not actually taking place at a given time, however, such areas, buildings or combinations which have not been used for confined breeding, raising or holding of animals for a ten-year period shall not be considered a feedlot until such use resumes. A written statement provided by the landowner may remove the status of an unused feedlot, regardless of when the feedlot was last used and permit a residence to be located within 660 feet of the unused feedlot. (Ord#431, adopted 10/7/08)

Feedlot, Contiguous Parcel: A parcel, or abutting parcels, upon which the feedlot is located and which is owned by the feedlot permit applicant. (Ord#431, adopted 10/7/08)

Feedlot, Non-Feedlot Residence: Any dwelling that is not located on the same farmstead as the feedlot. (Ord#431, adopted 10/7/08)

Feedlot, Tier 1: An area or building intended and designed for the feeding, breeding, raising or holding of between 50 to 999 animal units or 10-999 animal units in a shoreland area. (Ord#431, adopted 10/7/08)

Feedlot, Tier II: An area or building intended and designed for the feeding, breeding, raising or holding of between 1,000 and 2,500 animal units. (Ord#431, adopted 10/7/08)

Fence: any partition, structure, wall or gate erected as a dividing marker, barrier, or enclosure. (Ord. #407 adopted 11/14/06)

Fertilizer plants: A building or structure where fertilizer is processed made or stored. (Ord. #398, adopted 5/8/06)

Field Windbreak: a strip or belt of trees or shrubs more than 100 feet in length, 50 feet or less in width, adjacent to or within a field.

Filter strip: Grass or other close growing vegetation designed to receive overland flow of storm water; and designed such that the overland flow of water travels a minimum of twenty (20) feet through the vegetation. (Ord. #398, adopted 5/8/06)

Final Plat: a drawing, in final form, showing a proposed subdivision containing all information and detail required by state statutes and by this ordinance to be presented to the County Board for approval, and which, if approved, may be duly filed with the County Recorder.

Flood Frequency: the average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Floor Area Ratio: the numerical value obtained through dividing the floor area of a building or buildings by the lot area on which such building or buildings are located.

Forest Land Conversion: the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Forestry: The use and management including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skid ways, landings, and fences. May include an accessory nursery and/or greenhouse for the growing of trees for reforestation. (Ord. #398, adopted 5/8/06)

Full Time on the Farm: someone employed through at least three of the four seasons of the year, and who, with the exception of a vacation period of not more than three weeks, works at least five days per week on the farm, and who averages at least 40 hours per week through three seasons of the year. The seasons of the year are as follows: Winter, 12/21 to 3/21; Spring, 3/22 to 6/20; Summer, 6/21 to 9/20; Fall, 9/21 to 12/20.

Garage, Public: a building or portion of a building used for the storage of vehicles for remuneration.

Garage, Repair: a building or space for the maintenance of vehicles, but not including auto wrecking or junkyards.

Garage, Residential: a residential accessory building designed for the storage of not more than three motor vehicles, only one of which may be a commercial vehicle weighing up to 15,000 pounds.

Governing Body: the Board of Commissioners.

Government Buildings and Structures: Any building or structure held, used or controlled exclusively for public purposes by any department or branch of the Federal Government, State of Minnesota, Benton County or township. (Ord. #398, adopted 5/8/06)

Grain Elevator: A building used for elevating, storing, discharging and/or processing grain. (Ord. #398, adopted 5/8/06)

Greenhouses: A structure or building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for sale. (Ord. #398, adopted 5/8/06)

Hardship: the same as that term is defined in Minnesota Statutes, Chapter 394 and Section 11.5.1 of the Benton County Development Code.

Historic Site or Area: Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites. (Ord. #398, adopted 5/8/06)

Home Extended Business: A Home Occupation carried out in an accessory structure. (Ord. #352 adopted 12/17/02) (Ord. #407, adopted 11/02/06)

Home Occupation: Any activity carried out for financial gain by a resident which is clearly secondary to the principal use, when carried on within the resident's dwelling unit and not in any accessory building, except an attached garage, and which shows no activity other than activity normally present in a residential dwelling unit. (Ord. #352 adopted 12/17/02)

Horticulture: The cultivation of a garden or orchard and structures designed for the storage of products and machinery pertaining and necessary thereto. (Ord. #398, adopted 5/8/06)

Hotel: a building having provision for 9 or more guests in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is made through an inside lobby.

Human Care Facilities: A facility that provides care and living facilities for elderly or disabled individuals. (Ord. #431, adopted 10/7/08)

Illicit Discharge: Any direct or indirect non-storm water discharge to the separate storm sewer system, except as exempted below.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited **except** as described as follows:

The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting

activities, and any other water source not containing Pollutants. (Ord. #438, adopted 06/16/09)

Impervious Surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, clay or gravel, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures. (Ord. #352 adopted 12/17/02)

Industrial Use: the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Infiltration Basin or Trench: A water impoundment constructed over permeable soils designed to temporarily store storm water and allow the storm water to infiltrate through the bottom and sides of the impoundment. (Ord. #398, adopted 5/8/06)

Intensive Livestock Farming: the feeding, breeding, raising or holding of animals in feedlots when the ratio of animal units to tillable cropland acres owned or leased by the feedlot operator exceeds 3:1. (Ord. #431, adopted 10/7/08)

Intensive Vegetation Clearing: the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Interim Use: A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. (Ord. #441, adopted 6/15/10)

Junkyard: a place maintained for keeping, storing, or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used or second hand material of any kind, including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. This shall not prohibit the keeping of one (1) unlicensed motor vehicle within a garage or other structure in residential districts or three (3) unlicensed motor vehicles, not including farm implements, within agricultural districts.

Kennel: the boarding and/or breeding of dogs, cats or other domestic animal offered for sale or other compensation that exceeds 5 animals over 4 months or age. (Ord. #431, adopted 10/7/08)

Key Map: a map drawn to comparatively small scale which definitely shows the area proposed to be platted and the areas surrounding it to a given distance.

Land Reclamation: The restoration of land after the conclusion of a mining or landfill operations to an acceptable topography, vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land. (Ord. 398, adopted 5/8/06)

Land Rehabilitation: The restoration of land due to a natural or human disaster. (Ord. #398, adopted 5/8/06)

Land Split: see Subdivision. (Ord. #398, adopted 5/8/06)

Land Use Application: The term includes, but not limited to applications for the following: land use permits, vegetative alteration permits, topographic alteration permits, or other types of zoning permits, conditional use permits, amendments to this Ordinance, variances from the provisions of Ordinance, and the subdivision of real estate. The application is not considered complete and will not be accepted by the Department of Development unless all fees are paid, preliminary reviews and approvals completed, submitted with associated supporting information and documents, and such other information as required by the Planning and Zoning Administrator. (Ord. #330, adopted 4/3/01)

Landscaping: planting such as trees, grass and shrubs.

Legal Subdivision: See Subdivision, Legal (Ord. #398, adopted 5/8/06)

Licensed Engineer: a person licensed as a professional engineer by the State of Minnesota.

Littoral Lot: a lot or parcel of land adjacent to, or bordering, a lake or pond.

Livestock: Animals, and especially farm animals, raised for use, profit or enjoyment, including horses, ponies, bison (American buffalo), cattle, sheep, goats, poultry, llamas and other similar domesticated animals. (Ord. #398, adopted 5/8/06)

Livestock Experimentation: Conducting research on livestock that may involve genetic manipulation, cross-breeding, disease prevention and/or similar research. (Ord. #398, adopted 5/8/06)

Livestock Farming, Small or Restricted Animals: Raising of small fur bearing animals (ie minks, chinchillas or similar animal). (Ord. #398, adopted 5/8/06)

Livestock Sales Yards: Area that may or may not be within a structure where livestock is available for sale. (Ord. #398, adopted 5/8/06)

Livestock Waste Storage Facility: a diked enclosure, pit or structure for temporary disposal or storage of livestock wastes.

Loading Berth: an unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials and merchandise.

Lot: a parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.

Lot, Corner: a lot situated on the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot, Flag: A lot not meeting minimum frontage requirements and where access to the public road is by fee title. (Ord. #398, adopted 5/8/06)

Lot, Interior: a lot other than a corner lot, including through lots.

Lot, Residential: a lot in a Residential District (R-1, R-2, R-3, or R-S). (Ord# #427, adopted 5/06/08)

Lot, Through: any lot other than a corner lot which abuts more than one street.

Lot Area: the area of a lot on a horizontal plane bounded by the lot lines.

Lot Depth: the mean horizontal distance between the front lot line and the rear lot line.

Lot Line: a lot line is the property line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.

Lot Width: the horizontal distance between the side lot lines of a lot measured parallel to the front line of the lot at the setback line. For flag lots the setback for the front yard shall be equal to the rear yard setback of the district. (Ord. #398, adopted 5/8/06)

Lot Line, Front: that boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be the shortest dimension on a public street except that a corner lot in a non-residential area shall be deemed to have frontage on both streets. For lots abutting a Federal or State Road and a Service Road or Street Within a Subdivision, the area abutting the service road or street within a subdivision shall be deemed to be the front lot line. On flag lots the front lot line shall be the point where the lot meets the minimum lot width requirement.

Notwithstanding the above language, any lot line which is a shoreline shall be deemed to be the front lot line.(Ord. #202 adopted 11/6/90) (Ord. #220 adopted 9/1/92)
(Ord. #398. adopted 5/8/06)

Lot Line, Rear: the boundary of a lot, other than a through lot, which is opposite the front lot line. If the rear lot line is less than 30 feet in length or if the lot forms a point in the rear, the rear lot line shall be a line 30 feet in length within the lot, parallel to the front lot line. For corner lots in the non-residential area the lot line opposite the front lot line shall be deemed a side yard for setbacks. (Ord. #440, adopted 10/20/09)

Lot Line, Side: any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record: a platted lot or metes and bounds parcel which has been recorded in the office of the County Recorder prior to the adoption of the August 1, 1978 zoning map. Also includes parcels described in unrecorded contracts for deed if the contract was notarized prior to the adoption of the August 1, 1978 zoning map. (Ord. #373, adopted 2/17/04)

Manufactured Home: a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park: a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Home Subdivision: a platted area of lots which is designed and intended for exclusive placement of manufactured homes and so stipulated by deed restrictions. Said lots must be for sale.

Manufacturing-Heavy: all manufacturing, compounding, processing, packaging, treatment or assembly of products and materials that may omit objectionable and offensive influences beyond the lot on which the use is located.

Manufacturing-Light: all uses which include the compounding, processing, packaging, treatment or assembly of products and materials, provided such use will not generate objectionable influences that extend beyond the lot on which the use is located.

May: means permissive.

Metes and Bounds Description: a description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

Minerals: the non-metallic materials found naturally in the earth including, but not limited to, rock, sand, gravel, clay, silt, and soil which may be covered by overburden.
(Ord#428, adopted 06/17/08)

Mini Storage (Self-Service Storage Facility): a structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

1. However, the following uses are prohibited;
2. Auctions, commercial, wholesale, or retail sales, or miscellaneous or garage sales;
3. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
4. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment(except for maintenance or repair of the structure);
5. The establishment of a transfer and storage business;

6. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations; and
7. Any use of any portion as a dwelling or living facility. (Ord. #267 adopted 10/15/96)

Minimum Subdivision Design Standards: the guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

Mining, Commercial: Involving the total amount of 500 cubic yards, or more, of rock, sand, gravel, clay, silt, soil, or any other like mineral(s) or combination thereof for sale. (Ord. #398, adopted 5/8/06)

Mining Operation(s): The excavation and/or processing of rock, sand, gravel, clay, silt, soil or other like mineral(s) being conducted by an entity on a commercial basis. (Ord. #398, adopted 5/8/06)

Mining, Processing: the crushing, screening, washing, compounding, or treatment of rock, sand, gravel, clay, silt, soil, or other like mineral(s) being conducted within the unincorporated areas of Benton County, including the production of asphalt compositions for pavement and the recycling of previously-used concrete and asphalt. (Ord#428, adopted 06/17/08)

Mining, Rehabilitation: to renew the land with the goal being to return it to a self-sustaining state where there is self-sustaining vegetation and its long-term use is compatible with contiguous land uses in accordance with the standards set forth in Section 9.7. (Ord#428, adopted 06/17/08)

Motel: A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients. (Ord. #398, adopted 5/8/06)

Motor Freight Terminal: a building or area in which freight brought by motor truck is transferred and/or stored for movement.

Motor Fuel Station: a retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally associated with the operation and maintenance of motor vehicles. These may include sales of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services; and the performance of minor automotive maintenance and repair.

Motor Court, Motor Hotel or Motel: a building or group of buildings not to exceed two (2) stories other than a hotel used primarily as a temporary residence of a motorist, tourists, or travelers.

Motor Vehicle: every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires. Motor vehicles does not include a vehicle moved solely by human power. (Ord. #334, adopted August 21, 2001)

Multiple Unit Development: a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Municipal Separate Storm Sewer System: A conveyance or system of conveyances (including roads within drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that is:

- 1) Owned and operated by Benton County;
- 2) Designed or used for collecting and conveying storm water;
- 3) Which is not a combined sewer, and
- 4) Which is not part of a Publicly Owned Treatment Works as defined at 40 C.F.R. 122.2
(Ord. #438, adopted 06/16/09)

Must: obligation or necessity.

New Development : Construction Activity that creates new impervious surface. (Ord. #438 adopted 06/16/09)

Nonconforming Structure: A structure or building, the size, dimensions, or locations of which was lawful prior to the adoption, revision, or amendment of the Development Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Development Code. (Ord #407, adopted 11/14/06)

Nonconforming Use: a use or activity that was lawful prior to the adoption, revision, or amendment of the Development Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Development Code. (Ord #407, adopted 11/14/06)

Natural Waterway: a natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

Normal High Water Mark: a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Noxious Matter or Materials: material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well-being of individuals.

Nursery, Day: a facility where care is provided for pay for 3 or more children for periods of 4 hours or more per day.

Nursery, Landscape: a business growing and selling trees, flowering and decorative plants and shrubs.

Nursing Home: an institution or facility required to be licensed as such under Minnesota Statutes by the State Board of Health.

Official Map: the map established by the County Board, in accordance with State Statutes, showing streets, highways, parks and drainage, both existing and proposed.

Open Sales Lot: private land devoted to the display of goods for sale, rent, lease or trade where such goods are not enclosed in a building. (Ord. #378, adopted 5/18/04)

Open Storage: storage of material outside of a building.

Ordinary High Water Level: the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of

time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Outlot: A lot remnant or parcel of land left over after platting, which is intended as open space or other future use. (Ord. #441, adopted 06/15/10)

Overburden: those materials which lie between the surface of the earth and the mineral(s) to be excavated (Ord#428, adopted 06/17/08)

Overhang: a projection of the roof or upper story of a building beyond the wall or support posts of the lower part or beyond a point which is perpendicular with the point of intersection of the upper part and the outer-most support structure.

Owner: an individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having a legal or equitable interest in the land.

Parking Space: a surfaced and maintained area for the storage of one standard automobile (10' x 20').

Party Wall: a common wall which divides two independent structures.

PCA: Minnesota's Pollution Control Agency.

Permittee, Mining: the recipient of Benton County's consent to conduct a mining operation at a specified site. Permittee shall include the approved operator and owner of the parcel. (Ord#428, adopted 06/17/08)

Person: an individual, to include both male and female, and shall also extend and be applied to bodies political and corporate and to partnership and other unincorporated associations.

Pine Plantation: a thick or dense planting of coniferous trees more than 50 feet in width and more than 100 feet in length.

Planned Unit Development: Rezoning of a tract or parcel to permit flexibility of site design in any zoning district. (Ord. #398, adopted 5/8/06)

Planning Commission or Commission: the duly appointed Planning Advisory Commission of the County Board.

Plat: a map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State laws.

Platting Committee: Committee used to review the technical requirements of plats.
(Ord. #398, adopted 5/8/06)

Pond: Type 3, 4 or 5 wetland one (1) acre or larger in size as defined in the United States Fish and Wildlife Circular 39 (1971 edition). (Ord#428, adopted 06/17/08)

Preliminary Plat: the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and County Board for their consideration.

Private Sewer: an individual sewage treatment system, a central sewer system or a community sewer system. (Ord. #330, adopted 4/3/01)

Private Street: a street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public, but is owned by one or more private parties.

Professional Services: consists of the practice of law, medicine, dentistry, chiropractic, psychology, accounting and the practice of other professions which have in common the following: that the person rendering such service is licensed by a government unit or certified by a regional or national authority; that the service is rendered to an individual rather than to a piece of property owned by an individual; that the person rendering the service is bound by a code of conduct established by the licensing or certifying authority.

Program Facilities, Nonresidential: facilities which provide care, supervision, rehabilitation, training, or habitation of a person provided outside the person's own home and provided for fewer than 24 hours a day, as defined in Minnesota Statutes § 245A.02, Subd. 10, and which are licensed by the Minnesota Commissioner of Human Services pursuant to Chapter 245A of the Minnesota Statutes. (Ord. #265 adopted 07/16/96)

Program Facilities, Residential: facilities which provide 24-hour-a-day care, supervision, food, lodging, rehabilitation, training, education, habitation, or treatment outside a person's own home, as defined in Minnesota Statutes § 245A.02, Subd. 14, and which are licensed by the Minnesota Commissioner of Human Services pursuant to Chapter 245A of the Minnesota Statutes. (Ord. #265 adopted 07/16/96)

Property Line: the legal boundaries of a parcel of land.

Protective Covenants: contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Public Conservation Lands: Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife Refuges and Waterfowl

Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

Public Land: land owned and/or operated by a governmental unit.

Public Road: a road which has been accepted by a governmental unit, is regularly maintained by a governmental unit, and which is in regular use as a road.

Public Sewer: a sewer system constructed, operated and maintained by a governmental body.

Public Waters: means any waters as defined in Minnesota Statutes, Section 105.37, subdivisions 14 and 15.

Publication: notice placed in the official county newspaper stating the time, location, date of meeting and description of the topic(s).

Recreation Equipment: play apparatus such as swing sets and slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar apparatus, but not including tree houses, swimming pools, playhouses exceeding 25 square feet of floor area, or sheds utilized for storage of equipment.

Recreational Facility: any facility, park, or other property intended to be used principally for recreational purposes whether or not for profit and including, but not limited to, the following: bowling alleys, go-kart tracks, golf courses, pool halls, vehicle/animal racing or amusement facilities, dance halls, skating facilities, taverns, theaters, firearm ranges, campgrounds, carnival rides, beaches, swimming pools.

Recycling Center: a facility or site for the processing, collection, and preparation of recyclable materials for use in their original form, or for use as raw materials, or for using materials in a manufacturing process that does not cause the destruction of recyclable materials in a manner that precludes further use. Recycling centers must have all the applicable local, state, or federal permits required to operate. Recycling centers do not include smelters, junkyards, manufacturing facilities (light or heavy), metal shredders, disposal facilities, or composting processing facilities. (Ord. #219 adopted 9/1/92)

Residential Fire Protection Water: a subdivision served with hydrants, piping and necessary infrastructure to deliver 1,000 gallons per minute of water at 20 pounds per square inch pressure at a fire hydrant outlet for fire departments, for fire suppression purposes. The piping, hydrant and infrastructure design must be signed by a licensed engineer, certifying that the water system will deliver the required amount of fire protection water as required by State Standards Ordinances. After the system is constructed, an engineer must certify that the water supply system was constructed per the design requirements and the fire protection water supply system must be tested and an engineer must certify the test results. (Ord. 300, adopted May 4, 1999)

Residential Planned Unit Development: a use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Restaurants, Cafes and Taverns: An eating establishment where food and drink are prepared, served, and consumed mostly within the principal building. (Ord. #398, adopted 5/8/06)

Resubdivision: The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously recorded as a subdivision plat. (Ord. #398, adopted 5/8/06)

Retail Sales: stores and shops selling personal service or goods to consumers.

Right-of-Way: the land covered by a public road or other land dedicated for public use or for certain private use, such as land over which a power line passes.

Riparian Lot: a lot or parcel of land adjacent to, or bordering, a river or stream.

Road: a public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designed as a street, highway, thoroughfare, parkway, throughway, road, land, place, or however otherwise designated.

Sale: for the purposes of Section 9.6, the term “sale” means a conveyance of property as evidenced by the recording of a duly executed deed or contract for deed.
(Ord. #336, adopted 10/02/01)

School, Private: A school primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, dance, linguistic, scientific, religious, or other special subjects, but not including day care facility. (Ord. #398, adopted 5/8/06)

Seasonal Worker: An individual who performs seasonal agricultural labor.
(Ord. #398, adopted 5/8/06)

Seasonal Worker Housing: Dwelling unit for a seasonal worker. (Ord. #398, adopted 5/8/06)

Saw Mill: a facility that processes trees and forest products into lumber or other by-products.
(Ord. #431, adopted 10/7/08)

Sensitive Resource Management: the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Septic, Authorized Representative: An employee or agent of the Benton County (County).

Septic, Class V Injection Well: A shallow well used to place a variety of fluids directly below the land surface, which includes a domestic SSTS serving more than 20 people. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).

Septic, Cluster System: SSTS under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.

Septic, Design Flow: The daily volume of wastewater for which an SSTS is designed to treat and discharge.

Septic, Failure to Protect Groundwater: At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MN. Rule Chapter 7080.1500 Subp. 4 D and 4E (with no more than a 15 percent reduction in the separation to account for settling, variations in measurement, and interpretation of the restrictive layer); and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by a qualified employee or a currently licensed inspection business.

Septic, Imminent Threat to Public Health and Safety: At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers. The determination of protectiveness for other conditions must be made by a qualified employee inspector or a currently licensed inspection business.

Septic, ISTS: An “individual sewage treatment system” having a design flow of no more than 5,000 gallons per day.

Septic, Malfunction: The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.

Septic, Management Plan: A plan that describes necessary and recommended routine operational and maintenance requirements, periodic examination, adjustment, and testing, and the frequency of each to ensure system performance meets the treatment expectations, including a planned course of action to prevent an illegal discharge.

Septic, Minor Repair: The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.

Septic, MSTS: A “midsized subsurface sewage treatment system” that receives sewage from dwellings or other establishments having a design flow of more than 5,000 gallons per day to a maximum of 10,000 gallons per day.

Septic, New Construction: Construction of a new structure that has a water using device that is not replacing an existing dwelling.

Septic, Notice of Noncompliance: A written document issued by the Department of Development or Licensed Inspector to notifying a system owner that the treatment system has been observed to be noncompliant with the requirements of this ordinance.

Septic, Pre-Treatment Device: A device that reduces, eliminates or alters the nature of the amount or nature of the pollutant properties in wastewater prior to discharging into a SSTS. The reduction, alteration or elimination may be obtained by physical, chemical or biological process or by other means, except by diluting the concentration of the pollutants unless specifically allowed by the applicable pretreatment standard.

Septic, Record Drawings: A set of drawings which to the fullest extent possible document the final in-place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system.

Septic, SSTS: A “subsurface sewage treatment system” which includes both ISTS and MSTS.

Septic, Treatment Level: Treatment system performance levels defined in MN. Rule Chapter 7083.4030, Table III for testing of proprietary treatment products.

Septic Type I System: A subsurface sewage treatment system that follows a standard trench, bed, at-grade, mound, or graywater system design in accordance with PCA rules, MN. Rule Chapter 7080.2200 through 7080.2240.

Septic Type II System: A subsurface sewage treatment system with acceptable modifications or sewage containment system that may be permitted for use on a site not meeting the conditions acceptable for a standard Type I system. These include systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks in accordance with PCA rules, MN. Rule Chapter 7080.2250 through 7080.2290.

Septic Type III System: A custom designed subsurface sewage treatment system having acceptable flow restriction devices to allow its use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system in accordance with PCA rules, MN. Rule Chapter 7080.2300.

Septic Type IV System: An individual subsurface sewage treatment system, having an approved pretreatment device and incorporating pressure distribution and dosing, that is capable of providing suitable treatment for use where the separation distance to a shallow saturated zone is less than the minimum allowed.

Septic Type V System: A subsurface sewage treatment system, which is a custom engineered design to accommodate the site taking into account pretreatment effluent quality, loading rates, loading methods, groundwater mounding, and other soil and other relevant soil, site, and wastewater characteristics such that groundwater contamination by viable fecal coliforms is prevented.

Setback: the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

Setback, Pump: the distance from the street right-of-way to the centerline of the motor fuel station pump island measured as the perpendicular distance from the right-of-way.

Sewage: Waste from toilets, bathing, laundry, or culinary activities or operations of floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes.

Shall: means mandatory.

Shopping Center: a group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery

separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan. (Ord. #238 adopted 4/19/94)

Shore Impact Zone: land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback. In agricultural districts, the shore impact zone is the land located between the ordinary high water level and a line parallel to, and fifty feet away from, the ordinary high water level.

Shoreland: land located within 1000 feet from the normal high water mark of a lake, pond or flowage; or within 300 feet from a river or stream, or the landward side of a flood plain on such a river, lake or stream, whichever is greater, except where the limits are designated by natural drainage divides as designated on the official zoning map.

Sign: Any object, writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag (excluding the American or Minnesota State Flag), banner or pennant or any other device, figure or similar character which is used to announce, direct attention to, identify, advertise or otherwise make anything known; and is visible from the public right-of-way or from adjoining property. Monument signs that exceed 150 square feet sign area per side shall be regulated as a billboard signs. (Ord. #429 adopted 07/15/08)

Sign, Abandoned: Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. (Ord. #429 adopted 07/15/08)

Sign Area: The area within the frame shall be used to calculate the gross area except that the width of the frame in excess of 12 inches shall be added thereto. The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. When letters or graphics are mounted without a frame, on a building the gross area shall be the area bounded by a straight line 6 inches beyond the periphery of said letters or graphics. Each surface utilized to display a message or to attract attention shall be measured as a separate sign. The sign area does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Stripes or colors on an awning or canopy that are not part of the actual sign shall not be counted as sign surface area. (Ord. #429 adopted 07/15/08)

Sign, Billboard: A sign that exceeds 150 square feet per side in sign area. (Ord. #429 adopted 07/15/08)

Sign, Building Mounted: A sign painted on or placed against or attached to the exterior wall surface of a building. (Ord. #429 adopted 07/15/08)

Sign, Construction: A temporary sign erected on the premises where construction or mining is taking place, indicating the firms having a role in the construction or mining. (Ord. #429 adopted 07/15/08)

Sign, Governmental: A sign erected by a local or other unit of government which is used to identify a public building or area, to direct traffic or to otherwise inform the public. (Ord. #429 adopted 07/15/08)

Sign, Illuminated: Any sign which depends upon any artificial light source either directed at the sign or as an integral component of the sign. (Ord. #429 adopted 07/15/08)

Sign, Monument: A sign which is either attached directly to the ground or is on pylons, posts or walls and is completely independent of any building or other structures on the property on which it is located. (Ord. #429 adopted 07/15/08)

Sign, Non-conforming: Any sign lawfully in existence of the effective date of this ordinance or any sign lawfully in existence on the date of any amendment to this ordinance which does not conform to the regulations affecting signs for the district in which the sign is located. (Ord. #429 adopted 07/15/08)

Sign, Political: Any sign which states the name and/or picture of an individual seeking election or appointment to a public office, or pertaining to a forthcoming public election or referendum. (Ord. #429 adopted 07/15/08)

Sign, Portable: Any sign which is not affixed permanently to the premises on which it is located and which is constructed so as to permit it to be moved from place to place whether on wheels or otherwise. (Ord. #429 adopted 07/15/08)

Sign-Temporary: A sign affixed, erected, or maintained on a premise for a total of 90 calendar days, including portable signs which are designed for and capable of being moved from one location to another; and including banners, pennants, or similar display. (Ord. #429 adopted 07/15/08)

Sketch Plan: a drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

Slaughterhouses and Meat Processing Plants: A commercial building where livestock is killed and/or processed for human consumption or commercial use. (Ord. #398, adopted 5/8/06)

Solid Waste Management Facility: any tract or parcel of land, including any constructed facility used for the treatment of, or preliminary, intermediate or final disposal of solid waste, including, but not limited to, transfer station, incineration, composting, waste reduction and landfill disposal.

Stable: the boarding or breeding of horses for sale or compensation that exceeds the number of horses permitted as an accessory use. (Ord. #431, adopted 10/7/08)

State: The State of Minnesota.

Steep Slope: land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Storage Building: Any structure having a roof which may provide shelter or enclosure of chattel, but not to include livestock or persons, as a principal use. (Ord. #398, adopted 5/8/06)

Storm Water: Any water collected, directed or diverted, that puddles, flows, ponds on the soil surface; from natural or man-made sources or conveyances. (Ord. #398, adopted 5/8/06)

Storm Water Treatment: The removal or reduction of pollutants, pathogens and sediments from storm water. (Ord. #398, adopted 5/8/06)

Streets and Alleys:

- a. Street: a public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, lane place or however otherwise designed
- b. Collector Street: a street which carries traffic from local streets to arterials.
- c. Cul-de-sac: a minor street with only one outlet and having a turn-around.
- d. Service Street: marginal access street, or otherwise designated, is a minor street, which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
- e. Local Street: a street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.
- f. Alley: a minor way which is used primarily for secondary vehicular service access to the back or side of properties abutting on a street.
- g. Arterial Street: a street or highway with access restrictions designed to carry large volumes of traffic between various sectors of the county and beyond.

Street Width: the shortest distance between the lines delineating the right-of-way of a street.

Structure: any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities. "Structure" does not include accessory or storage buildings smaller than or equal to 120 square feet, improved driveways, sidewalks, or slabs. (Ord. #373, adopted 2/17/04) (Ord. #427, adopted 5/6/08)

Structure, Nonconforming: see 3.119A Nonconforming structure

Structural Alteration: a change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Subdivider: any person, firm, corporation, partnership, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

Subdivision: Any land, vacant or improve which is divided or proposed to be divided into two or more lots, parcels, sited, units, plots, condominiums, tracts, or interest for the purpose of offer, sale, lease or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and non-residentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision includes the resubdivision and condominium creation or conversion. (Ord. #398, adopted 5/8/06)

Subdivision, Cluster: A method of subdivision that permits reduced lot sizes and concentrates dwelling units on a part of the site to allow the remaining land to be used for agriculture, recreation, common open space, and/or preservation of environmentally valued features.

Subdivision, Legal: Subdivision approved in accordance with the applicable procedures and rules governing at the time of the subdivision.

Subdivision, Major: Subdivision of seven or more lots in the R-1, R-2, R-3, R-S, B, B-2, I-1, I-2 Districts or 10 or more lots in the A or R-A Districts created through the platting process. (Ord. #431, adopted 10/7/08)

Subdivision, Minor: Subdivision of six or fewer lots in the R-1, R-2, R-3, R-S, B, B-2, I-1, I-2 Districts or 9 or fewer lots in the A or R-A Districts created through the platting process. (Ord. #431, adopted 10/7/08)

Subdivision, Standard: The subdivision of a lot in accordance with the lot size requirements and bulk regulations specified in the district.

Substations: A subsidiary station in which electric current is transformed.

Surface Water-Oriented Commercial Use: the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Surveyor: a person duly registered as a land surveyor by the State of Minnesota.

Temporary Dwelling for Supportive Care: A dwelling for the housing of a caregiver or person receiving care that will be removed once the care is no longer needed. (Ord. #398, adopted 5/8/06)

Toe of the Bluff: the lower point of a 50-foot segment with an average slope exceeding 18 percent.

Top of the Bluff: the higher point of a 50-foot segment with an average slope exceeding 18 percent.

Topsoil: that portion of the overburden which lies closest to the surface of the earth and which supports the growth of vegetation. (Ord#428, adopted 06/17/08)

Tract: an area, parcel, site, piece of land, or property that is the subject of a development application. (Ord. #308 adopted 11/4/99)

Transfer Station: an intermediate solid waste disposal facility in which solid waste collected from any source is temporarily deposited to await transportation to another solid waste management facility. This process must take place inside of a building. (Ord. #326 adopted 1/16/01)

Transmission Line: Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

Travel and Camp Trailer: any trailer or semi-trailer not used as a residence, but is used for temporary living quarters for recreational or vacation activities and one that may be towed on public roads in connection with such use.

Truck Stop: a motor fuel station devoted principally to the needs of trucks and which shall include eating and/or sleeping facilities.

Unlicensed Motor Vehicle: Any self-propelled vehicle not bearing current number license plates and tabs issued to the vehicle pursuant to Minnesota Statutes Chapter 168. For the purposes of this definition, the term “vehicle” includes, but is not limited to, passenger cars, trucks, vehicles used for racing or demolition derbies, inoperable vehicles, snowmobiles, all terrain vehicles, and motorcycles.

A vehicle that is regularly used by the property owner for lawn care, snow removal, or agricultural purposes shall not be considered an unlicensed vehicle.

Use: the purpose or activity for which the land or structure thereon is designated, arranged or intended under the zoning ordinance, or for which it is occupied, utilized or maintained.

Use, Accessory: a use subordinate to and serving the principal use or structure on the same lot.

Use, Conditional: the uses designated in each Zoning District, which for their respective conduct, shall require reasonable conditions established by the Planning Commission.

Use, Nonconforming: see 3.119B Nonconforming Use.

Use, Open: the use of land without a building or including a building incidental to the open space.

Use, Permitted: a use which conforms with the requirements of the zoning district within which it is located.

Use, Principal: the primary use of the land or structures as distinguished from accessory uses.

Vegetated Swale: Broad shallow channels containing a dense stand of established vegetation that are designed to promote infiltration and trap pollutants. Channels must be designed to have a maximum storm water flow velocity of two (2) feet per second. (Ord. #398, adopted 5/8/06)

Vehicle Sales, Small Scale: the sale of small numbers of used or repairable automobiles, trucks or other motorized vehicles, whether on a continuous or intermittent basis. Such a business shall be considered "small scale" if no more than seven vehicles of any type are offered for sale on the property at any given time, and no more than three additional unlicensed vehicles are stored on the property at any given time. (Ord. #221 adopted 10/6/92)

Veterinary: those uses concerned with the diagnoses, treatment, and medical care of animals, including animal or pet hospitals.

Warehousing: the storage of materials or equipment within an enclosed structure as a principal use. (Ord. #398, adopted 5/8/06)

Water-Oriented Accessory Structure or Facility: a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include bathhouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Wetland: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands Must:

- (1) have a predominance of hydric soils;
 - (2) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
 - (3) under normal circumstances support a prevalence of hydrophytic vegetation.
- (Ord. #352 adopted 12/17/02)

Wholesale: the selling of goods, equipment and materials by bulk to another business that, in turn, sells to the final customer.

WECS - Wind Energy Conversion System: Any device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electrical energy. (Ord. #440, adopted 10/20/09)

WECS, Commercial: A WECS 1) 40 kW or greater in total name plate generating capacity, or 2) consist of more than one WECS on a parcel, or 3) a WECS that exceeds 150 feet in height. (Ord. #440, adopted 10/20/09)

WECS, Large: Any combination of WECS with a combined nameplate capacity of 5,000 kilowatts or more. (Ord. #440, adopted 10/20/09)

WECS, Nameplate Capacity: The nameplate capacity of one wind energy conversion system must be combined with the nameplate capacity of any other wind energy conversion system that: (1) is located within five miles of the wind energy conversion system; (2) is constructed within the same 12-month period as the wind energy conversion system; and (3) exhibits characteristics of being a single development, including, but not limited to, ownership structure, an umbrella sales arrangement, shared interconnection, revenue sharing arrangements, and common debt or equity financing. (Ord. #440, adopted 10/20/09)

WECS, Non-Commercial: A WECS 1) less than 40 kW in total name plate generating capacity, and 2) consists of only one WECS on a parcel, and 3) 150 feet in total height or less. (Ord. #440, adopted 10/20/09)

WECS, Feeder Line: Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS. (Ord. #440, adopted 10/20/09)

WECS, Meteorological Tower: Towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include communication towers; towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions. (Ord. #440, adopted 10/20/09)

WECS, Micro-WECS: Micro-WECS are WECS of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less. (Ord. #440, adopted 10/20/09)

WECS, Rotor Diameter: The diameter of the circle described by the moving rotor blades. (Ord. #440, adopted 10/20/09)

WECS, Small (SWECS): Any combination of WECS with a combined nameplate capacity of less than 5,000 kilowatts. (Ord. #440, adopted 10/20/09)

WECS, Total Height: The highest point, above ground level, reached by a rotor tip or any other part of the WECS. (Ord. #440, adopted 10/20/09)

WECS, Tower: Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment. (Ord. #440, adopted 10/20/09)

WECS, Wind Turbine: A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind. (Ord. #440, adopted 10/20/09)

Yard: a required open space on a lot, which is unoccupied and unobstructed by any structure from its lowest ground level to the sky, except as expressly permitted in this Ordinance.

Yard, Front: a yard extending across the front of the lot between the side property lines and lying between the front lot line and the nearest line of a building. Any yard adjacent to a shoreline shall be considered to be a front yard.

Yard, Rear: a yard extending across the rear of the lot between the side property lines and lying between the rear lot line and the nearest line of the building. For corner lots in the non-residential area the lot line opposite the front lot line shall be deemed a side yard for setbacks.
(Ord. #440, adopted 10/20/09)

Yard, Side: a yard between the side line and the nearest line of the building and extending from the front yard line to the rear yard line.

Zoning Administrator: the person, regardless of job title, designated to supervise the application of this ordinance and to enforce the provisions thereof.

Zoning District: an area within the limits of the zoning jurisdiction for which the regulations and requirements governing use, height and bulk of structures and premises, are uniform.